

Message Text

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ACTION EUR-12

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INFO SECDEF WASHDC
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SECDEF FOR ASDC31
CINCUSAREUR FOR AEAJA AEAGE (CCE-OP)
CINCEUR FOR ECLA

E.O. 11652: N/A
TAGS: ETEL, MPOL, MARR, GW, US
SUBJECT: SENDING STATES PROBLEMS WITH FRG BUNDESPOST,
INCLUDING TIE-LINE RATE PROBLEM

REFS: (A) USCINCEUR DTG 221908Z JUN 78
(B) BONN 02181 (NOTAL), DTG 031735Z FEB 78

SUMMARY. AT JUNE 26 MEETING OF REPS OF EMBASSIES AND
FORCES OF SENDING STATES WITH FRG FONOFF AND BUNDESPOST

MINISTRY REPS, A PROGRESS REPORT WAS REVIEWED ON
DISCUSSIONS AT WORKING LEVEL CONCERNING TELEPHONE
PROBLEMS FIRST RAISED BY LETTER IN MAY 1977 AND AT

MEETING WITH GERMAN SIDE OF MAY 24, L978. PROGRESS
DISCUSSED WAS REPORTED BY USCINCEUR IN REFTEL A. ON
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OUT-OF-AREA TIE-LINES DISPUTE, NEW RATE TO COVER ALL
BUT AUSNAHMEQUERVERBINDUNGEN MUST YET BE WORKED OUT
AT THE TECHNICAL LEVEL. MEANWHILE, FORCES AND BUNDES-
POST MINISTRY REPS ARE PREPARING DRAFT OF AGREEMENT,
PROBABLY BY EXCHANGE OF NOTES AT EMBASSY-FOREIGN OFFICE
LEVEL, WHICH WOULD SUPERSEDE THE TROUBLESOME AGREEMENT
ON LONG DISTANCE LINES CONCLUDED IN 1972-73. SENDING

STATE REPS THANKED FOREIGN OFFICE REPS FOR ARRANGING
MAY 24 MEETING WHICH HAD FIRST MADE USEFUL DISCUSSIONS
OF COMMON SENDING STATE PROBLEMS WITH THE BUNDESPOST
POSSIBLE. END SUMMARY

1. IT WILL BE RECALLED THAT BY LETTER OF MAY 4, 1977
ADDRESSED TO THE BUNDESPOST MINISTER, THE NATO SENDING
STATES FIRST RAISED A NUMBER OF COMMON PROBLEMS THEY
WERE EXPERIENCING WITH THE BUNDESPOST AND ASKED FOR
THEIR DISCUSSION. IN THE ABSENCE OF ANY APPARENT
READINESS ON THE PART OF THE BUNDESPOST MINISTRY (BPM)
TO MEET WITH THE FORCES, HE SENDING STATES EMBASSIES

ON MAY 24, 1978 AT A 6 L/2 HOUR MEETING WITH THE
FOREIGN OFFICE AND BPM REPRESENTATIVES INSISTED ON
EXPLAINING THESE PROBLEMS. THAT MEETING RESULTED IN A
DECISION THAT THE PROBLEMS WOULD BE FURTHER DISCUSSED AT
SCHEDULED MEETINGS BETWEEN EXPERTS OF THE FORCES AND
THE BPM. THE RESULTS OF THESE MEETING TO DATE WERE
REPORTED BY USCINCEUR IN REFTEL A.

2. AT THE MAY 24 MEETING, EMBASSY REPS HAD ALSO
INSISTED ON SCHEDULING A FURTHER MEETING ON JUNE 26 AT
THE EMBASSY-FOREIGN OFFICE LEVEL TO REVIEW PROGRESS
MADE ON THESE ISSUES AT THE EXPERT LEVEL. WHILE THE
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SATISFACTORY PROGRESS MADE AT THE FORCES-BPM EXPERT
LEVEL CAUSED THE FRG FOREIGN OFFICE TO QUESTION THE
NEED FOR THE FURTHER MEETING AT THE EMBASSY-FOREIGN
OFFICE LEVEL, THE AMERICAN AND UK EMBASSIES INSISTED
THAT THE MEETING TAKE PLACE TO MAINTAIN PRESSURE ON
THE GERMAN AUTHORITIES FOR RESOLUTION OF THESE MATTERS
THAT WOULD SURVIVE THE SUMMER VACATION PERIOD.

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3. AT THE JUNE 26 MEETING THE PROGRESS MADE ON THE VARIOUS ISSUES AS REPORTED IN REFTEL A WAS DISCUSSED. IT BECAME CLEAR THAT IN GENERAL THE BPM WAS NOW TAKING A BUSINESS-LIKE ATTITUDE TOWARD THE NEEDS AND PROBLEMS OF THE NATO SENDING STATE FORCES AND WAS GENUINELY PREPARED TO SEEK TO RESOLVE THOSE PROBLEMS TO THE SATISFACTION OF BOTH SIDES.

4. WITH RESPECT TO THE OUT-OF-AREA TIE-LINE DISPUTE, THE SPOKESMAN FOR THE SENDING STATE FORCES ON THIS ISSUE, MR. LEWIS ARON OF CINCEUR ECLA, RECALLED THE WILLINGNESS OF THE SENDING STATE FORCES TO PAY THE NORMAL, NON-PREFERENTIAL RATES FOR THE TWO TYPES OF LINES ON WHICH THE SENDING STATES RECOGNIZE THE RIGHT OF THE BPM UNDER THE 1972-73 AGREEMENT SINCE JANUARY 1, 1977 TO BE PAID NORMAL RATES. HE RECALLED THAT IT WAS NOW THE BUNDESPOST THAT WAS SUGGESTING A DIFFERENT SOLUTION UNDER WHICH THE USE OF AUSNAHMEQUERVERBINDUNGEN LIMITED OFFICIAL USE

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WOULD BE PAID FOR AT THE RATE PROVIDED IN PARA 9 OF THE ADMINISTRATIVE AGREEMENT TO ARTICLE 60 OF THE SUPPLE-

MENTARY AGREEMENT TO THE NATO SOFA. MOREOVER, THE BPM WAS SUGGESTING THAT A COMPROMISE RATE BE AGREED FOR ALL OTHER TYPES OF LINES USED BY THE FORCES. THIS MANNER OF RESOLVING THE DISPUTE THAT WAS BASED ON THE DIFFERENCE OF OPINION AS TO THE MEANING OF THE 1972-73 AGREEMENT WOULD ULTIMATELY SUPERSEDE THAT AGREEMENT.

5. THE FRG FOREIGN OFFICE REP (RUMPF, LEGAL SECTION) RECOGNIZED THAT IT WAS A MATTER FOR THE BPM AND THE

FORCES TO DETERMINE WHAT THE RATES FOR BUNDESPOST SERVICES SHOULD BE. HE EXPRESSED THE INTEREST OF THE FOREIGN OFFICE THAT THE ARRANGEMENT CONCLUDED BE DRAFTED SO AS TO PRECLUDE THE TYPE OF DISAGREEMENT ON MEANING AND INTENT THAT WE HAVE EXPERIENCED SINCE 1976 CONCERNING THE 1972-73 AGREEMENT. RUMPF THOUGHT IT BEST THAT THE NEW ARRANGEMENT BE CONCLUDED BY EXCHANGE OF NOTES AT THE EMBASSY LEVEL - EITHER BY A MULTILATERAL AGREEMENT, OR BY UNIFORM BILATERAL AGREEMENTS BETWEEN THE FRG AND EACH OF THE SENDING STATES. AS FOR THE RATES TO BE CHARGED FOR ALL LINES BUT AUSNAHMEQUERVER-

BINDUNGEN, THOSE WOULD HAVE TO BE WORKED OUT BETWEEN EXPERTS BASED ON COST ESTIMATES.

6. THE PROGRESS ON THE TIE-LINE AND OTHER QUESTIONS WAS WELCOMED BY THE SENDING STATES' REPS WHO EXPRESSED APPRECIATION TO THE FOREIGN OFFICE AND THE BPM FOR THE DEVELOPMENT IN THE DIRECTION OF AMICABLE AND USEFUL DISCUSSIONS. ALL PARTIES RECOGNIZED THE NEED FOR THE TIE-LINES RATE QUESTION TO BE RESOLVED ASAP, IT HAVING LIMITED OFFICIAL USE

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ALREADY BEEN GENERALLY AGREED THAT THE NEW AGREEMENT WOULD HAVE RETROACTIVE EFFECT TO JANUARY 1, 1977. THE BPM WILL BE PREPARING A DRAFT AGREEMENT WHICH WILL BE SENT TO THE EMBASSIES FOR EXAMINATION AFTER FOREIGN OFFICE REVIEW. THE RATE AS ULTIMATELY WORKED OUT BY THE EXPERTS AND AGREED WILL BE INSERTED INTO THAT AGREEMENT.

7. FURTHER MEETINGS ON ALL QUESTIONS WERE SCHEDULED AT THE FORCES-BPM LEVEL FOR AUGUST 2 AND 3. HOWEVER, IN VIEW OF THE PROGRESS MADE AT EXPERT LEVEL SINCE MAY 24,

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THE EMBASSY REPS AT THE JUNE 26 MEETING DID NOT INSIST
ON A FURTHER MEETING AT THE EMBASSY-FOREIGN OFFICE
LEVEL.

8. COMMENT: IT IS QUITE CLEAR THAT EMBASSY/EUCOM
EFFORTS AND THOSE OF THE OTHER SENDING STATES HAVE
FINALLY FORCED THE BPM TO DEAL SERIOUSLY WITH THE
SENDING STATES AS EQUALS. THE MERITS OF LEGAL ARGUMENTS
AS DEVELOPED AND PRESENTED BY MR. ARON OF EUCOM ECLA
HAVE FINALLY CONVINCED THE FRG FONOFF AND BPM THAT A
COMPROMISE TO RESOLVE TIE-LINE DISPUTE IS IN THEIR INTEREST.
THE US SIDE MUST NOW ALSO BE PREPARED TO ACCEPT A
COMPROMISE RATE PROVIDED ACCEPTABLE SOLUTIONS TO OTHER
PROBLEMS OF THE US AND OTHER SENDING STATE FORCES APPEAR
POSSIBLE.

9. ACTION REQUESTED: DEPARTMENT AUTHORITY (CIRCULAR
175) TO NEGOTIATE AND CONCLUDE A NEW AGREEMENT AT THE
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EMBASSY-FOREIGN OFFICE LEVEL ON TIE-LINE RATES, TO
SUPERSEDE THE 1972-73 AGREEMENT, PROVIDED A RATE

ACCEPTABLE TO THE US AND OTHER SENDING STATE FORCES
FOR OTHER THAN AUSNAHMEQUERVERBINDUNGEN CAN BE AGREED,
THE TEXT AGREED AD REFERENDUM TO BE SUBMITTED TO THE
DEPARTMENT FOR FINAL APPROVAL PRIOR TO CONCLUSION OF
THE AGREEMENT. STOESSEL

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